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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
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9 BRIAN DEVERICK LEWIS,

Case No. CV 08-7336-DSF (DTB)

10 Petitioner,

ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

11 vs.
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13 C. GULLET, et al.,

14 Respondent.
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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, all the records
18 and files, and the Report and Recommendation of the United States Magistrate Judge. No
19 objections to the Report and Recommendation have been filed. The Court concurs with
20 and adopts the findings, conclusions and recommendations of the Magistrate Judge, but
21 notes the following:

22 p.4, ln. 6: "Neitze" should be "Nietzke";

23 p.9, ln. 8: "821-22" should be "818";

24 p.9, ln. 28: "547" should be "457."

25 IT THEREFORE IS ORDERED as follows: That defendants' Motion to Dismiss
26 defendants Gullet and Calagawan from this action, insofar as they are named in their
27 official capacities, is GRANTED without leave to amend; that defendants' Motion to
28 Dismiss plaintiff's denial of access to the courts claim is GRANTED with leave to amend;

1 that defendants' Motion to Dismiss plaintiff's retaliation claim is DENIED; that
2 defendants' request to strike plaintiff's request for punitive damages is DENIED; and that
3 if plaintiff still desires to pursue a denial of access to the courts claim, he is ORDERED
4 to file a Second Amended Complaint within thirty (30) days of the service of this Order
5 remedying the deficiencies discussed in the Report and Recommendation with respect to
6 the denial of access to the courts claim.

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8 DATED: June 25, 2010



10 DALE S. FISCHER
11 UNITED STATES DISTRICT JUDGE
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